

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et
al.*,

Debtors.¹

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO

Debtor.

PROMESA

Title III

No. 17 BK 3283-LTS

Re: ECF No. 1276, 1381

(Jointly Administered)

PROMESA

Title III

No. 17 BK 3283-LTS

**This Urgent Motion relates only
to the Commonwealth and shall
only be filed in the lead Case No.
17 BK 3283-LTS**

**JOINT URGENT MOTION SEEKING EXTENSION OF DEADLINES IN
CONNECTION WITH COOPERATIVA DE SEGUROS MÚLTIPLES' MOTION FOR
CLARIFICATION OF AUTOMATIC STAY AND IN THE ALTERNATIVE RELIEF
FROM THE AUTOMATIC STAY IN THE TITLE III CASE [ECF NO. 1276]**

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); and (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

To the Honorable United States District Judge Laura Taylor Swain:

The Commonwealth of Puerto Rico (the “Commonwealth”) and Cooperativa de Seguros Múltiples de Puerto Rico (“Movant”) hereby submit this joint urgent motion seeking entry of an order, substantially in the form attached hereto as Exhibit A (the “Proposed Order”), extending certain deadlines set forth in the *Order Regarding Matters Originally Noticed for October 4, 2017 Omnibus Hearing* [ECF No. 1381] (the “Scheduling Order”).²

Request for Relief

1. On September 29, 2017, the Court entered the Scheduling Order setting forth the following objection and reply deadlines in connection with the *Cooperativa De Seguros Múltiples’ Motion For Clarification Of Automatic Stay And In The Alternative Relief From The Automatic Stay* in the Title III Case [ECF No. 1276] (the “Stay Motion”):³

- October 6, 2017 at 12:00 p.m. (prevailing Atlantic Standard Time), as the deadline for the Commonwealth to object to the Stay Motion (the “Objection Deadline”).
- October 10, 2017 at 12:00 p.m. (prevailing Atlantic Standard Time), as the deadline for Movant to reply to any objections to the Stay Motion (the “Reply Deadline”).

2. On September 20, 2017, Hurricane Maria—the fifth strongest hurricane to ever hit the United States—made landfall in Puerto Rico as a strong Category 4 storm bringing sustained winds of up to 155 miles per hour and up to 40 inches or more of rain in some regions. See Hurricane Maria Lashes Puerto Rico, NASA EARTH OBSERVATORY, <https://earthobservatory.nasa.gov/> (last visited Sept. 23, 2017). Hurricane Maria was the strongest hurricane to hit Puerto Rico since 1932 and arrived only two weeks after Hurricane

² The Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the Debtors’ representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”), has authorized the Department of Justice (the “DOJ”) to file this motion on behalf of the Commonwealth.

³ Under the Scheduling Order, the Court noted the Stay Motion would be taken on submission at the conclusion of briefing unless the Court deems a hearing necessary. The parties do not object to the Court’s designation and agree that, if necessary, the Stay Motion should be taken on submission.

Irma—a Category 5 storm that became one of the strongest hurricanes ever recorded in the Atlantic—substantially impaired Puerto Rico’s water and electricity services. As a result of these devastating storms, Puerto Rico is currently facing one of its worst crises in modern history.

3. On October 3, 2017, counsel to Movant emailed the DOJ, on behalf of the Commonwealth, to inquire whether the DOJ would seek to extend the deadlines set forth in the Scheduling Order due to the passage of Hurricane Maria.

4. On October 4, 2017, the DOJ and counsel to Movant agreed to the following extensions of the deadlines set forth in the Scheduling Order:

- The Objection Deadline will be extended to **November 3, 2017 at 12:00 p.m. (prevailing Atlantic Standard Time)**.
- The Reply Deadline will be extended to **November 10, 2017 at 12:00 p.m. (prevailing Atlantic Standard Time)**.
- Movant’s consent to this extension of time shall not be construed as consent to the continuation of the automatic stay in effect pending the conclusion of, or as a result of, a final hearing and determination under Bankruptcy Code section 362(d), nor shall Movant be deemed to have waived its right to assert the termination of the automatic stay under Bankruptcy Code section 362(e) with respect the Stay Relief Motion. Movant agrees it will not assert termination of the Stay during the pendency of the proposed amended briefing schedule.

5. Pursuant to Paragraph 1.H of the Case Management Procedures, the parties hereby certify that they have carefully examined the matter and concluded that there is a true need for an urgent motion; have not created the urgency through any lack of due diligence; have made and continue to make a bona fide effort to resolve the matter without a hearing; have made and continue to make reasonable, good-faith communications in an effort to resolve or narrow the issues that are being brought to the Court; and have conferred with counsel for the Oversight Board, and no party opposes the relief requested herein.

6. In light of the passage of Hurricane Maria, the parties submit that the relief requested herein is appropriate and in the best interests of the parties.

Notice

7. The Debtors have provided notice of this Motion to the following parties: (a) the Office of the United States Trustee for the District of Puerto Rico; (b) the indenture trustees and/or agents, as applicable, for the Debtors' bonds; (c) counsel to the statutory committees appointed in these Title III Cases; (d) the Office of the United States Attorney for the District of Puerto Rico; (e) counsel to the Oversight Board; (f) the Puerto Rico Department of Justice; (g) the Other Interested Parties;⁴ (h) all parties filing a notice of appearance in these Title III cases; and (i) counsel to Movant. The Debtors submit that, in light of the nature of the relief requested, no other or further notice need be given.

⁴ The "Other Interested Parties" include the following: (i) counsel to certain of the insurers and trustees of the bonds issued or guaranteed by the Debtors; and (ii) counsel to certain ad hoc groups of holders of bonds issued or guaranteed by the Debtors.

WHEREFORE, the parties respectfully request the Court enter the Proposed Order (a) extending the deadlines set forth in the Scheduling Order and (b) granting such other relief as is just and proper.

Dated: October 6, 2017

Respectfully submitted,

WANDA VÁZQUEZ GARCED
Secretary of Justice

/s/ Wandymar Burgos
WANDYMAR BURGOS VARGAS
USDC 223502
Deputy Secretary in Litigation
Department of Justice
P.O. Box 9020192
San Juan, Puerto Rico 00902-0192
Phone: 787-721-2940 Ext. 2500, 2501
wburgos@justicia.pr.gov

Attorneys for the Commonwealth of Puerto Rico

/s/ Héctor Valdés
HECTOR E. VALDES ORTIZ
USDC-PR No. 219411
VALDES ORTIZ LAW OFFICES, PA
8461 Lake Worth Rd.
Suite 420
Lake Worth, FL 33467
Tel: (561) 340-1410
hvaldes@v-olaw.com

Attorneys for Movant Cooperativa de Seguros Múltiples de Puerto Rico

Exhibit A

Proposed Order

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et
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Debtors.¹

In re:

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PROMESA

Title III

No. 17 BK 3283-LTS

Re: ECF No. 1276, 1381

(Jointly Administered)

PROMESA

Title III

No. 17 BK 3283-LTS

**This Order relates only to the
Commonwealth and shall only be
filed in the lead Case No. 17 BK
3283-LTS**

**ORDER EXTENDING DEADLINES IN CONNECTION WITH
COOPERATIVA DE SEGUROS MULTIPLES' MOTION FOR
CLARIFICATION OF AUTOMATIC STAY AND IN THE ALTERNATIVE RELIEF
FROM THE AUTOMATIC STAY IN THE TITLE III CASE [ECF NO. 1276]**

Upon the *Joint Urgent Motion Seeking Extension of Deadlines in Connection with Cooperativa De Seguros Múltiples' Motion For Clarification Of Automatic Stay and in the Alternative Relief From the Automatic Stay in the Title III Case [ECF No. 1276]* (the

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“Motion”),² and the Court having found it has subject matter jurisdiction over this matter pursuant to PROMESA section 306; and it appearing that venue in this district is proper pursuant to PROMESA section 307; and the Court having found that the relief requested in the Motion is in the best interests of the Commonwealth and Movant; and the Court having found that the Commonwealth provided adequate and appropriate notice of the Motion under the circumstances and that no other or further notice is required; and the Court having reviewed the Motion; and the Court having determined that the factual bases set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefore, it is

HEREBY ORDERED THAT:

1. The Motion is granted as set forth herein.
2. The Objection Deadline shall be extended to **November 3, 2017 at 12:00 p.m.** (prevailing Atlantic Standard Time).
3. The Reply Deadline shall be extended to **November 10, 2017 at 12:00 p.m.** (prevailing Atlantic Standard Time).
4. Movant is not deemed to have consented to the continuation of the automatic stay in effect pending the conclusion of, or as a result of, a final hearing and determination under Bankruptcy Code section 362(d), nor to have waived its right to assert the termination of the automatic stay under Bankruptcy Code section 362(e) with respect the Stay Relief Motion. Movant will not assert termination of the Stay during the pendency of the proposed amended briefing schedule.

Dated: _____, 2017

JUDGE LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE

² Capitalized terms used but not otherwise defined herein have the meanings given to them in the Motion.